

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFERY ALFORD,)
) Civil Action No. 04 - 1006
Plaintiff,) District Judge Terrence F. McVerry
) Magistrate Judge Lisa Pupo Lenihan
v.)
)
JOE HUNTER, III,)
Correctional Officer,)
)
Defendant.)

MEMORANDUM ORDER

Plaintiff in the above captioned case filed a complaint along with an Motion to Proceed In Forma Pauperis, which was granted on January 19, 2005. The United States Marshal's Service was ordered to serve the lone Defendant, Joe Hunter III, according to directions provided by the Plaintiff. The process receipt and return form shows that the return of service was returned unexecuted.

On March 14, 2007, Magistrate Judge Lisa Pupo Lenihan issued an Order to Show Cause for Plaintiff to provide Defendant's proper address for service by April 15, 2007 (doc. no. 13). The Order further advised Plaintiff that if he failed to respond a Report and Recommendation would be issued recommending dismissal of this civil action for failure to prosecute. Plaintiff filed no response to this Order.

The Magistrate Judge filed a Report and Recommendation on April 23, 2007, recommended that Plaintiff's Complaint be dismissed for failure to prosecute due to Plaintiff's failure to provide the Court with a proper service address (doc. no. 14). Plaintiff was served with the Report and Recommendation at SCI Greene and was

advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 16th day of May, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED** for failure to prosecute and/or to obey court orders to provide a proper service address for the Defendant.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 14) of Magistrate Judge Lenihan, dated April 23, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal.

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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